

IN THE DISTRICT COURT UNITED STATES FOR THE NORTHERN DISTRICT OF WEST

VIRGINIA MARTINSBURG

ARTHUR LEE HAIRSTON SR.,

Plaintiff,

V.

DVA,

REGIONAL VA OFFICE MARTINSBURG,

JANESVILLE

CLAIMS INTAKE CENTER,

PHILADELPHIA PENSION CENTER,

DEFENDANT'S.

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CASE No.

CIVIL SUIT 28 U.S.C. 1331

REFILED UNDER RULE 15 (c)

14th and 5th AMENDMENTS

JURY TRIAL DEMANDED

FILED

FEB 05 2021

U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

JURISDICTION

This court has jurisdiction pursuant to 28 U.S.C. 1331 Federal Question and Rule 15(c).

This complaint is for monetary; compensatory; and other damages. The DVA has been put on prior notice concerning this tort claim see, Fourth Circuit Court of Appeals case # 19-1276. This complaint is filed pursuant to F.R.C.P 15(c) (1) (A) (B). This amendment asserts a claim and defense that arose out of the conduct, transaction, or occurrence set out- or attempted to be set out – in the original pleading; or.

The plaintiff asserts the fact that he was discriminated against by the named defendants. In the original filing the plaintiff listed as remedy for, the discriminatory conduct that violates the constitution of, the United States prohibitions against same. That the Fourth Circuit order the

defendants to correct this by ordering the DVA to correct the pension eligibility, or the enforcement of same.

The plaintiff is requesting to be made whole, in correcting what was attempted to be set out in the original pleading. For the unconstitutional conduct of the defendants, by monetary damages against, the named defendants in the amount of 1,000,000 dollars.

COUNT ONE:

The DVA is guilty of discrimination concerning the pension process. The DVA has allowed this discrimination and is guilty of same. The DVA allowed the State Regional VA to discriminate concerning the application process. The DVA allowed Philadelphia Intake to discriminate concerning the application process. The DVA allowed Janesville Intake to discriminate concerning the application process.

This policy; practice; and procedure had the effect of outright discrimination and violates and rises to the level of a true constitutional violation which violates the 5th and 14th amendments. Plaintiff has the right to be made whole.

Wherefore in light of the foregoing plaintiff request 1,000,000 in damages from defendant DVA.

COUNT TWO:

The plaintiff on 8/15/2018 was the subject of discrimination by the VA and its regional retired Air Force veteran. A Mr. Robinson knew or should have know that, the plaintiff had to submit with the statement in support of claim an application and any documentary evidence. See exhibit (1) statement in support of claim dated 8/15/2018.

Wherefore in light of the foregoing plaintiff request 1,000,000 in damages from defendant Robinson, Regional DVA office Martinsburg WV.

COUNT THREE:

The discrimination continued on the part of the Philadelphia claims intake center. Upon calling the claims intake center on approximately 10/23/2018, plaintiff was told to submit a hardship package with bills, but was not told to submit an application see, exhibit (2) exhibits A-H. Plaintiff was not told that he had to fill out an application until December 31 2018. Plaintiff complied see, exhibit (3) the application. Plaintiff will submit exhibits A-H during discovery.

As VA representatives all of, the named departments knew or should have known that the application was needed to complete the process. All handle claims on a daily basis. Therefore by not ensuring that, the plaintiff, fill out the application was, the pretext to, the discrimination on the part of, the regional office and the pension intake center. They all knew the claim would go nowhere without the application.

Wherefore in light of the foregoing plaintiff request 1,000,000 in damages from defendant Philadelphia Intake Center.

COUNT FOUR:

Plaintiff was told today by Janesville Intake Center on 1/4/2019 at approximately 3:00 pm, that he had no claim in by an individual named Kevin at the intake center, 28U.S.C 1746. Upon call back after calling the American Legion a young lady told me that, the claim was there I had a reference number. The rub is what she told was wholly unbelievable.

I was told that even though I filled out a statement of the claim in August 2018, and due to the pre-textual discrimination of not advising plaintiff to fill out the application until December 2018, plaintiff was given a date of August 6, 2019 for the pension to start, 28 U.S.C. 1746.

Wherefore in light of the foregoing the plaintiff request 1,000,000 in damages from defendant Janesville.

The evidence in this case that demonstrates discrimination, the intentional stall tactics that paints a pretty mosaic. Of the fact that this was done intentionally, the DVA stalling waiting until the Social Security Administration granted the reinstatement of the plaintiff's SSD. So that plaintiff would be denied. This policy; practice; or procedure amounts to discrimination.

Wherefore plaintiff seeks monetary damages in the amount 1,000,000 dollars, from the defendant DVA; Regional Veterans State Office Martinsburg; Philadelphia Intake Center; and Janesville Intake Center.



ARTHUR LEE HAIRSTON SR

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Washington D.C. 20421

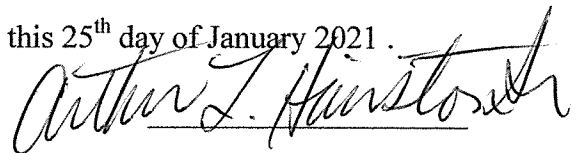
West Virginia Department of
Veteran's assistance
115 Aikens Center #16
Martinsburg WV 25404

DVA Regional Office
5000 Wissahickon Ave,
Philadelphia Pa, 19144

DVA, Janesville Claims Intake Pension Center
P.O. Box 5206
Janesville, WI 53547-5206

CERTIFICATE OF SERVICE

I Arthur Lee Hairston Sr. does hereby certify that a true copy of this complaint and request to proceed in-forma pauper was sent to the clerk's office upon the address of 217 West King Street Martinsburg WV 25401 by U.S, First Class Mail this 25th day of January 2021 .

A handwritten signature in black ink, reading "Arthur L. Hairston Sr.", written over a horizontal line.

ARTHUR LEE HAIRSTON SR